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12

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15

16 JORGE BELL, individually and
on behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 BRITISH AIRWAYS PLC, VIRGIN
20 ATLANTIC AIRWAYS, LTD., and
UNITED AIR LINES, INC.,

21 Defendants.
22

CASE NO. CV 06-04588-MMC

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT**

23 Pursuant to Local Rule 6-1, Plaintiff Jorge Bell and Defendants British
24 Airways Plc, Virgin Atlantic Airways Ltd., and United Air Lines, Inc. respectfully
25 request that this Court enter an order extending the time in which Defendants must
26 answer or otherwise respond to this matter until the later of (1) the date when the
27 Defendant would otherwise be required to file a response pursuant to Federal Rule of
28 Civil Procedure 12, or (2) 45 days after the JPML rules on a motion pending in *In re*

1 *International Air Transportation Surcharge Antitrust Litigation* (MDL No. 1793)
2 and a consolidated complaint is filed by all Plaintiffs in the single transferee Court
3 and served on the Defendant. Plaintiff Jorge Bell has consented to the requested
4 extension. In support of this stipulation, the parties state:

5 1. The Complaint in this matter was filed on July 27, 2006. It seeks relief
6 under the Sherman Act and the Clayton Act against three defendants on behalf of a
7 putative class.

8 2. Nearly 81 similar actions have been filed in various jurisdictions around
9 the country.

10 3. There is a motion pending before the Judicial Panel on Multidistrict
11 Litigation (“JPML”) to consolidate and transfer actions like this one to a single
12 venue. The JPML is considering this motion to consolidate in a matter captioned *In*
13 *re Passenger Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793.

14 4. The parties have agreed that this stipulation does not constitute a waiver
15 of any defenses, including but not limited to, the defenses of lack of personal
16 jurisdiction, lack of subject matter jurisdiction, or improper venue. The Defendants
17 expressly reserve their right to raise all defenses in response to either the current
18 complaint or any consolidated amended complaint that may subsequently be filed
19 relating to this action.

20 THEREFORE, the parties request that this Court order that the time in which
21 Defendants must answer or otherwise respond to this matter is the later of (1) the
22 date when the Defendant would otherwise be required to file a response pursuant to
23 Federal Rule of Civil Procedure 12, or (2) 45 days after the JPML rules on a motion
24 pending in *In re Passenger Air Transportation Surcharge Antitrust Litigation* (MDL
25 No. 1793), and a consolidated complaint is filed by Plaintiffs in the single transferee
26 Court and served on the Defendant.

1 Respectfully submitted,

2
3 Dated: August 2, 2006

THE FURTH FIRM, LLP

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5 /s/

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10 *Attorneys for Plaintiff Jorge Bell*

11 Dated: August 2, 2006

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22 *Attorneys for Defendant United Air Lines, Inc.*

Dated: August 2, 2006

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PURSUANT TO STIPULATION,
IT IS SO ORDERED:

Dated: ~~September~~ 21, 2006

